

Testimony to the House Natural Resources Committee
HB 167
Rep. Hands

My name is Betsy Hands and I represent House District 99, a portion of Missoula.

I am sponsoring HB 167 at the request of the Department of Environmental Quality to improve efficiency in the adoption of the Solid Waste Management and Resource Recovery Plan. This bill will allow the department to spend less time on the process of adopting the plan, and more time implementing its recommendations.

I want to give you some brief background and history on the bill so that you understand why this is a simple bill that encourages more efficiency in the Department.

The Solid Waste Management and Resource Recovery Plan is required by state statute in order to increase recycling and composting and thereby reduce the amount of waste going into landfills. There are clear, measurable goals set by the Legislature for what the plan is to accomplish. The goals are to increase the rate of recycling and composting in Montana to:

17% of the state's solid waste by 2008

19% of the state's solid waste by 2011

22% of the state's solid waste by 2015

The plan must be updated every five years and was last updated in 2006. At that time, the Department pulled together a task force of interested parties to look at barriers to achieving the goals and to make recommendations about what could be done by state government in partnership with local governments and private entities. The task force got together four times and provided additional input through email.

Because of the work that was done up front, there was no controversy about the plan when it came time for the formal adoption process.

This plan was first adopted in 1993, when there was a lot of controversy about solid waste in Montana. At that time, a process was established in statute that requires 3 public hearings, then the department must summarize the hearings and respond to issues raised, and then a fourth public hearing must be conducted by the Board of Environmental Review.

In 2006, there were only a few people who testified at the public hearings, and no one testified who did not also participate in the task force process. No one

testified at the hearing by the Board of Environmental Review other than the Department.

HB 167 changes the process to adopt the Solid Waste Management and Resource Recovery Plan to be the same process that the department uses to adopt its rules. That is the Montana Administrative Procedures Act. Under that process there will still be notice to the public and interested parties, and there will be a requirement for one public hearing and a 28 day comment period.

I ask the committee to consider a do pass on this bill because it amends current statute to help create efficiency in process and still includes important stakeholders in the planning, and the normal public hearing and comment period. I do have one amendment that I requested after reviewing the bill and noting that the stakeholders list had been struck out.

It is the intent of this bill to make the process more efficient, and to be sure that the stakeholders have involvement early in the process – which creates a better plan upfront and eliminates concerns later in the process.

When this bill was drafted there was an intent to be move the list of parties that needed to be consulted with from section 4 (3) to section 3. That list was taken out of section 4, but inadvertently not put into section 3. So this amendment takes out the general term “interested parties” and gives a specific list that includes “citizens, solid waste and recycling industries, environmental organizations and others involved or interested in the management of solid waste.”

The Department of Environmental Quality will walk you through the bill and answer specific questions that you may have. I respectfully request the right to close.